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## REGISTER OF ACTIONS

CASE No. 16CR46339

State of Oregon vs Benjamin Jay Barber

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Case Type: **Offense Misdemeanor**

Date Filed: **07/27/2016**

Location: **Washington**

District Attorney Number: **345218**

Law Enforcement Case Number: **50-161740492**

### PARTY INFORMATION

**Defendant**  **Barber, Benjamin Jay**

176 SW Jackson St  
Hillsboro, OR 97123  
SID: OR17474177

Male White  
DOB: 1985  
5' 10", 165 lbs

**Attorneys**  
**Cameron Taylor**  
*Court Appointed*  
503 726-7900(W)

Christina Helregel  
*Retained*

**Plaintiff** **State of Oregon**

**Marie Atwood**  
503 846-8671(W)

### CHARGE INFORMATION

Charges: Barber, Benjamin Jay	Statute	Level	Date
1. Unlawful Dissemination of an Intimate Image	163.472	Misdemeanor Class A	01/01/2016
2. Unlawful Dissemination of an Intimate Image	163.472	Misdemeanor Class A	01/01/2016
3. Unlawful Dissemination of an Intimate Image	163.472	Misdemeanor Class A	01/01/2016
4. Unlawful Dissemination of an Intimate Image	163.472	Misdemeanor Class A	01/01/2016
5. Unlawful Dissemination of an Intimate Image	163.472	Misdemeanor Class A	01/01/2016
6. Unlawful Dissemination of an Intimate Image	163.472	Misdemeanor Class A	01/01/2016
7. Unlawful Dissemination of an Intimate Image	163.472	Misdemeanor Class A	01/01/2016
8. Unlawful Dissemination of an Intimate Image	163.472	Misdemeanor Class A	01/01/2016
9. Unlawful Dissemination of an Intimate Image	163.472	Misdemeanor Class A	01/01/2016

### EVENTS & ORDERS OF THE COURT

#### DISPOSITIONS

07/29/2016 **Plea** (Judicial Officer: Garcia, Oscar)  
 1. Unlawful Dissemination of an Intimate Image  
Not Guilty  
 2. Unlawful Dissemination of an Intimate Image  
Not Guilty  
 3. Unlawful Dissemination of an Intimate Image  
Not Guilty  
 4. Unlawful Dissemination of an Intimate Image  
Not Guilty  
 5. Unlawful Dissemination of an Intimate Image  
Not Guilty  
 6. Unlawful Dissemination of an Intimate Image  
Not Guilty  
 7. Unlawful Dissemination of an Intimate Image  
Not Guilty  
 8. Unlawful Dissemination of an Intimate Image  
Not Guilty  
 9. Unlawful Dissemination of an Intimate Image  
Not Guilty  
 Created: 07/29/2016 3:02 PM

11/10/2016 **Disposition** (Judicial Officer: Roberts, Beth L)  
 6. Unlawful Dissemination of an Intimate Image  
Acquitted  
 7. Unlawful Dissemination of an Intimate Image  
Acquitted  
 Created: 11/10/2016 5:20 PM

11/10/2016 **Disposition** (Judicial Officer: Roberts, Beth L)  
 8. Unlawful Dissemination of an Intimate Image  
Acquitted  
 9. Unlawful Dissemination of an Intimate Image  
Acquitted  
 Created: 11/15/2016 4:31 PM

12/01/2016 **Disposition** (Judicial Officer: Roberts, Beth L)

**Exhibit 2**

**Page 1 of 6**

**Decl. of Jesse B. Davis**

1. Unlawful Dissemination of an Intimate Image  
Convicted
  2. Unlawful Dissemination of an Intimate Image  
Convicted
  3. Unlawful Dissemination of an Intimate Image  
Convicted
  4. Unlawful Dissemination of an Intimate Image  
Convicted
  5. Unlawful Dissemination of an Intimate Image  
Convicted
- Created: 12/01/2016 8:29 AM

12/01/2016 **Sentence** (Judicial Officer: Roberts, Beth L)

1. Unlawful Dissemination of an Intimate Image  
Sentencing Details  
Decision Date: 12/01/2016  
Incarceration  
Duration: 6 Months  
Agency: County Jail  
Credit Time Served  
Report To: TSI - WCSO  
Report Date and Time: 12/02/2016 and 7:00 PM  
Statute: 137.752  
Eligibility: Eligible  
Fee Totals:

	Amount	Reduction	Owed
Attorney Fees	\$387.00		\$387.00
Fine - Misdemeanor	\$100.00		\$100.00
Fee Totals \$	\$487.00		\$487.00
Fee Modifier			

Your court-ordered financial obligations are to be paid at a monthly rate of \$25 per month beginning on June 1, 2017 and each month thereafter.

Created: 12/01/2016 9:16 AM

12/01/2016 **Sentence** (Judicial Officer: Roberts, Beth L)

2. Unlawful Dissemination of an Intimate Image  
Sentencing Details  
Decision Date: 12/01/2016  
Suspend Imposition  
Probation Supervised (Active)  
Start Date: 12/01/2016  
Duration: 5 Years  
Estimated End Date: 12/01/2021  
Condition Behavior: All General Conditions apply  
Special Conditions: No - Violate No Laws, 12/01/2016, Defendant shall obey all laws.  
Program - Batterer Intervention, 12/01/2016, Defendant shall attend, comply with all rules of program, and successfully complete an approved Domestic Violence Intervention Program as directed by the supervising officer. Sign a release of information for Community Corrections with treatment providers or Department of Human Services. Defendant shall waive any confidentiality or privilege necessary in order to allow treatment providers or supervising officer to communicate with victim.  
Program - Victim Offender Reconciliation, 12/01/2016, Defendant shall attend a Washington County Survivor's Impact Panel as directed by the supervising officer.  
Program - Counseling Family, 12/01/2016, Do not participate in couples' counseling without prior written permission of the supervising officer.  
No Contact - Victim without permission, 12/01/2016, The defendant shall not attempt to contact or have direct or indirect contact with the victim(s) MEAGAN VANCE or friends or family; nor shall the defendant enter onto the premises, or within 100 yards, of the victim(s) residence, vehicle, place of employment, or school without the prior written permission of the supervising officer or criminal court. "Contact" includes but is not limited to the following: communicating in any form, accessing victim's social networking sites, remaining in the same vicinity as the victim such as a store, theater, sporting event, gym, church, etc., inquiring about the victim through the victim's friends or family, following the victim, or being outside a place that the victim frequents such as the victim's business or school. This no contact provision remains in place even if a related protective order is dismissed.  
No Contact - Victim's Family, 12/01/2016, Do not have contact with the victim's family, excluding joint, minor children. For cases in which the offense was committed in the immediate presence of minor children, the defendant shall not have contact with such children until approved by the supervising officer or criminal court.  
Disclose Relationship(s), 12/01/2016, Do not menace, intimidate, threaten or have offensive contact, including language, with anyone including but not limited to intimate partners. Disclose any potential intimate relationships (prior to intimacy) to your supervising officer. Defendant shall consent to the supervising officer communicating with others about the defendants domestic violence history.  
Submit - Polygraph, 12/01/2016, Defendant shall submit to a polygraph examination to determine if defendant is in compliance with treatment and conditions of supervision; any refusal is a violation of supervision.  
Advise Nature of Crime, 12/01/2016, Defendant shall notify the supervising officer within 24 hours of any new arrests, citations, restraining orders, stalking protective orders or other civil protective orders issued against defendant.  
Consent to Search, 12/01/2016, Submit to search of person, residence, vehicle and property including consent to search computer and telephonic devices. Defendant shall also submit to search of social networking sites if the supervising officer has reasonable grounds to believe such search will reveal evidence of a probation violation.  
Program - Monitor, 12/01/2016, Defendant may be considered for GPS monitoring.  
Comply - With Court Order, 12/01/2016, Defendant shall obey all other court orders, including but not limited to all restraining orders, stalking protective orders, civil protective orders, juvenile court orders, and domestic relations court orders.  
Financially Responsible - Victim/Victim's Family, 12/01/2016, The defendant shall bear financial responsibility as directed by the supervising officer for any counseling, therapy, treatment and medical costs incurred by the victim(s) as a result of this offense.  
Pay Fines/Fees/Restitution as Ordered, 12/01/2016, All monies, including previously ordered amounts, are due in full 60 days prior to the expiration of probation unless otherwise ordered. Distribution per statute. The laws allow fees to recover administrative and collection costs to be automatically added and collected without further notice to you or action by the court, when the court has to establish a payment account, refer a matter for collection, or send DMV a suspension notice.

**Exhibit 2**

**Page 2 of 6**

**Decl. of Jesse B. Davis**

Program - Mental Health Evaluation & Treatment, 12/01/2016, Defendant shall submit to a mental health evaluation and become involved in any treatment/counseling program(s) which may be recommended by supervising officer and shall remain in said program(s) until successfully completed. Defendant shall take all medications as prescribed and not stop taking medications unless directed by their medical professional. Defendant shall not change treatment providers without permission from the supervising officer.

Program - Sex Offender Treatment, 12/01/2016, The defendant shall undergo a complete sex offender evaluation at the direction of the supervising officer. If recommended by evaluation, the defendant shall enter and successfully complete a sex offender treatment program approved by the defendant's supervising officer. The program may include polygraph and plethysmograph testing.

Special Condition 1, 12/01/2016, Defendant shall remove, in collaboration with his Probation Officer, all images and videos of victim from his computer.

Special Condition 2, 12/01/2016, Defendant shall remove, in collaboration with his Probation Officer, all images and videos of victim from the internet.

Special Condition 3, 12/01/2016, The defendant shall not view, listen to, own or possess any sexually stimulating visual or auditory materials that are relevant to the defendant's deviant behaviors. Defendant shall consent to search of his/her computer or other electronic equipment by the supervising officer, if the supervising officer has reasonable grounds to believe that evidence of a violation will be found.

Fee Totals:

	Amount	Reduction	Owed
Fine - Misdemeanor	\$100.00		\$100.00
Fee Totals \$	\$100.00		\$100.00
Fee Modifier			

Same payments as for Count 1.

Created: 12/01/2016 9:36 AM

12/01/2016 **Sentence** (Judicial Officer: Roberts, Beth L)

3. Unlawful Dissemination of an Intimate Image

Sentencing Details

Decision Date: 12/01/2016

Suspend Imposition

Probation Supervised (Active)

Start Date: 12/01/2016

Duration: 5 Years

Estimated End Date: 12/01/2021

Condition Behavior: All General Conditions apply

Special Conditions: Program - Case Plan Compliance, 12/01/2016, Comply with the same terms and conditions as listed on Count 2 in this case.

Fee Totals:

	Amount	Reduction	Owed
Fine - Misdemeanor	\$100.00		\$100.00
Fee Totals \$	\$100.00		\$100.00
Fee Modifier			

Same payments as for Count 1.

Created: 12/01/2016 9:39 AM

12/01/2016 **Sentence** (Judicial Officer: Roberts, Beth L)

4. Unlawful Dissemination of an Intimate Image

Sentencing Details

Decision Date: 12/01/2016

Suspend Imposition

Probation Supervised (Active)

Start Date: 12/01/2016

Duration: 5 Years

Estimated End Date: 12/01/2021

Condition Behavior: All General Conditions apply

Special Conditions: Program - Case Plan Compliance, 12/01/2016, Comply with the same terms and conditions as listed on Count 2 in this case.

Fee Totals:

	Amount	Reduction	Owed
Fine - Misdemeanor	\$100.00		\$100.00
Fee Totals \$	\$100.00		\$100.00
Fee Modifier			

Same payments as for Count 1.

Created: 12/01/2016 9:41 AM

12/01/2016 **Sentence** (Judicial Officer: Roberts, Beth L)

5. Unlawful Dissemination of an Intimate Image

Sentencing Details

Decision Date: 12/01/2016

Suspend Imposition

Probation Supervised (Active)

Start Date: 12/01/2016

Duration: 5 Years

Estimated End Date: 12/01/2021

Condition Behavior: All General Conditions apply

Special Conditions: Program - Case Plan Compliance, 12/01/2016, Comply with the same terms and conditions as listed on Count 2 in this case.

Fee Totals:

	Amount	Reduction	Owed
Fine - Misdemeanor	\$100.00		\$100.00
Fee Totals \$	\$100.00		\$100.00
Fee Modifier			

Same payments as for Count 1.

Created: 12/01/2016 9:42 AM

**Exhibit 2**

**Page 3 of 6**

**Decl. of Jesse B. Davis**

**OTHER EVENTS AND HEARINGS**

07/27/2016 [Complaint](#)  
*Misdemeanor*  
Created: 07/27/2016 9:06 AM

07/27/2016 [Agreement - Recognizance Release](#)  
Created: 07/27/2016 9:07 AM

07/28/2016 **Arraignment** (8:30 AM) (Judicial Officer Garcia, Oscar)  
*Recog NO PV'S*  
Result: FTA - Warrant  
Created: 07/27/2016 9:07 AM

07/28/2016 [Order - Bench Warrant](#) (Judicial Officer: Garcia, Oscar )  
Signed: 07/28/2016  
Created: 07/28/2016 11:12 AM

07/28/2016 [Motion - Protective Order](#)  
Created: 07/28/2016 4:47 PM

07/28/2016 [Warrant - Return of Service](#)  
Created: 08/01/2016 8:29 AM

07/29/2016 **Arraignment** (3:00 PM) (Judicial Officer Garcia, Oscar)  
Result: Held  
Created: 07/29/2016 7:34 AM

07/29/2016 [Order](#) (Judicial Officer: Garcia, Oscar )  
*Sexual Offense Protective Order ORS 135.873*  
Signed: 07/29/2016  
Created: 07/29/2016 2:24 PM

07/29/2016 **Arraignment** (Judicial Officer: Garcia, Oscar )  
Created: 07/29/2016 3:01 PM

07/29/2016 [Order](#) (Judicial Officer: Garcia, Oscar )  
Signed: 07/29/2016  
Created: 07/29/2016 3:01 PM

07/29/2016 [Affidavit - Eligibility - ACP](#)  
Created: 08/04/2016 4:40 PM

07/29/2016 [Order - Appointing Counsel](#) (Judicial Officer: Garcia, Oscar )  
*Attorney:*  
Signed: 07/29/2016  
Created: 08/04/2016 4:42 PM

08/01/2016 [Notice - Representation](#)  
*For victim*  
Created: 08/01/2016 10:59 AM

08/02/2016 [Motion](#)  
*Motion for Release*  
Created: 08/02/2016 11:03 AM

08/02/2016 [Affidavit - Supporting Motion](#)  
Created: 08/02/2016 11:03 AM

08/09/2016 [Hearing - Pre-trial Release](#) (1:30 PM) (Judicial Officer Upton, Suzanne M.)  
Result: Held  
Created: 08/03/2016 4:19 PM

08/09/2016 [Order](#) (Judicial Officer: Upton, Suzanne M. )  
*Security raised, post 10% w/strict release conditions*  
Signed: 08/09/2016  
Created: 08/09/2016 1:46 PM

08/09/2016 [Memorandum](#)  
*State's Memorandum regarding defendant's Motion for Release*  
Created: 08/09/2016 2:43 PM

08/22/2016 **Hearing - Case Management** (3:00 PM) (Judicial Officer Nachtigal, Gayle A)  
*08/22/2016 Reset by Court to 08/22/2016*  
Result: Held  
Created: 07/29/2016 3:04 PM

09/07/2016 [Demurrer](#)  
Created: 09/07/2016 2:52 PM

09/07/2016 [Memorandum](#)  
Created: 09/07/2016 2:52 PM

09/16/2016 **Hearing - Final Resolution Conference** (1:30 PM) (Judicial Officer Roberts, Beth L)  
*09/16/2016 Reset by Court to 09/16/2016*  
Result: Held  
Created: 08/22/2016 4:33 PM

09/20/2016 [Order](#) (Judicial Officer: Roberts, Beth L )  
*From FRC*  
Signed: 09/16/2016  
Created: 09/20/2016 2:20 PM

09/21/2016 [Motion - Continuance](#)  
Created: 09/21/2016 4:13 PM

09/21/2016 [Affidavit - Continuance](#)  
Created: 09/21/2016 4:13 PM

09/26/2016 [Memorandum - At Law](#)  
Created: 09/26/2016 3:34 PM

09/27/2016 [Demurrer](#)  
Created: 09/27/2016 1:11 PM

09/28/2016 **Hearing - Motion** (9:00 AM) (Judicial Officer Butterfield, Eric E)  
*For Demurrer Motion Callback*  
*09/28/2016 Reset by Court to 09/28/2016*  
*09/28/2016 Reset by Court to 09/28/2016*

**Exhibit 2****Page 4 of 6****Decl. of Jesse B. Davis**

Result: Held  
Created: 08/22/2016 4:33 PM

09/28/2016 [Order](#) (Judicial Officer: Butterfield, Eric E )  
*Comment: FROM MOTION HRG*  
Signed: 09/28/2016  
Created: 09/28/2016 4:44 PM

09/29/2016 [Agreement - Recognizance Release](#)  
Created: 09/29/2016 1:52 PM

10/11/2016 [Order](#) (Judicial Officer: Erwin, Andrew R )  
*Defense demurrer - Denied*  
Signed: 10/11/2016  
Created: 10/12/2016 11:42 AM

11/08/2016 [Jury Instructions - Proposed](#)  
*State's Requested Jury Instructions*  
Created: 11/08/2016 10:17 AM

11/09/2016 **Trial - Six Person Jury** (9:00 AM) (Judicial Officer Roberts, Beth L )  
**11/09/2016, 11/10/2016**  
*2 days w/ motion in limine DA 3-4w Def 2w*  
*11/09/2016 Reset by Court to 11/09/2016*  
*11/09/2016 Reset by Court to 11/09/2016*

Result: Multi-Day Hearing  
Created: 09/28/2016 12:19 PM

11/09/2016 [Jury Instructions - Proposed](#)  
Created: 11/09/2016 8:28 AM

11/09/2016 [Exhibit - List](#)  
*For Pretrial Motions*  
Created: 11/09/2016 1:27 PM

11/09/2016 [Release](#)  
*For Pretrial Motions*  
Created: 11/09/2016 1:27 PM

11/09/2016 [Exhibit - List](#)  
*For Pretrial Motions*  
Created: 11/09/2016 1:29 PM

11/09/2016 [Release](#)  
*For Pretrial Motions*  
Created: 11/09/2016 1:29 PM

11/10/2016 [Consent](#)  
*Consent to Appearance by Certified Law Student*  
Created: 11/10/2016 2:23 PM

11/10/2016 [Jury - Instructions](#)  
Created: 11/10/2016 5:21 PM

11/10/2016 [Exhibit - List](#)  
Created: 11/10/2016 6:36 PM

11/10/2016 [Release](#)  
*of State's Exhibits*  
Created: 11/10/2016 7:46 PM

11/10/2016 [Verdict](#)  
*Guilty Ct 1-5, Not Guilty Ct 8-9*  
Created: 11/10/2016 7:46 PM

11/10/2016 [Judgment - Acquittal](#) (Judicial Officer: Roberts, Beth L )  
*MJOA granted for counts 6 & 7*  
Signed: 11/10/2016  
Created: 11/15/2016 4:33 PM

11/10/2016 [Judgment - Acquittal](#) (Judicial Officer: Roberts, Beth L )  
*counts 8 & 9*  
Signed: 11/10/2016  
Created: 11/15/2016 4:33 PM

11/29/2016 [Memorandum](#)  
*Sentencing Memorandum*  
Created: 11/29/2016 2:57 PM

12/01/2016 **Hearing - Sentencing** (8:30 AM) (Judicial Officer Roberts, Beth L )  
Result: Held  
Created: 11/10/2016 7:47 PM

12/01/2016 **Judgment - Offense General Creates Lien** (Judicial Officer: Roberts, Beth L )  
Signed: 12/01/2016  
Created: 12/01/2016 10:25 AM

12/01/2016 **Judgment - Offense General Creates Lien** (Judicial Officer: Roberts, Beth L )  
Signed: 12/01/2016  
Created: 12/01/2016 10:25 AM

12/01/2016 **Judgment - Offense General Creates Lien** (Judicial Officer: Roberts, Beth L )  
Signed: 12/01/2016  
Created: 12/01/2016 10:26 AM

12/01/2016 **Judgment - Offense General Creates Lien** (Judicial Officer: Roberts, Beth L )  
Signed: 12/01/2016  
Created: 12/01/2016 10:26 AM

12/01/2016 **Judgment - Offense General Creates Lien** (Judicial Officer: Roberts, Beth L )  
Signed: 12/01/2016  
Created: 12/01/2016 10:27 AM

12/01/2016 **Closed**  
Created: 12/06/2016 4:00 PM

12/01/2016 [Judgment - Offense General Creates Lien](#) (Judicial Officer: Roberts, Beth L )  
*Amended: Change to probation condition in ct 2 regarding sex offender eval/treatment*  
Signed: 12/01/2016

Exhibit 2

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Decl. of Jesse B. Davis

12/02/2016	Created: 12/06/2016 4:07 PM <a href="#">Motion - Probation Revocation</a>
12/02/2016	Created: 12/02/2016 1:54 PM <a href="#">Certificate</a>
12/02/2016	Created: 12/02/2016 1:55 PM <a href="#">Order - Bench Warrant</a> (Judicial Officer: Roberts, Beth L )
12/07/2016	Signed: 12/02/2016 Created: 12/02/2016 4:39 PM <b>Disposition - Reported</b>
12/14/2016	Created: 12/07/2016 12:01 AM <a href="#">Notice - Appeal</a> A163786 (12/1/16 Judgment and 12/6/16 Amended Judgment)
12/14/2016	Created: 12/14/2016 10:16 AM <a href="#">Notice</a> Defense Provider's Fee Statement for Transcripts
12/22/2016	Created: 12/14/2016 10:17 AM <a href="#">Affidavit - Supplemental</a> w/supp po affidavit dated 12/20/16 - Already wanted, arraign defendant at next court appearance
01/03/2017	Created: 12/22/2016 11:59 AM <a href="#">Notice - Amended Appeal</a> A163786 (12/1/16 Judgment and 12/6/16 Amended Judgment)
01/05/2017	Created: 01/03/2017 9:06 AM <b>Judgment - Payment Schedule Assessment</b> Added by Payment Schedule Assessment Job
01/13/2017	Created: 01/05/2017 7:16 PM <a href="#">Certificate</a> of Preparation and Service of Transcript(s) for Electronic Filing at Court of Appeals
02/22/2017	Created: 01/13/2017 12:17 PM <a href="#">Certificate</a> of Electronic Filing of Transcript(s) at Court of Appeals by: Katie Bradford
02/28/2017	Created: 02/22/2017 2:19 PM <a href="#">Request</a> to Return Exhibits to Trial Court Pending Appeal
	Created: 02/28/2017 11:21 AM

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**FINANCIAL INFORMATION**

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	<b>Defendant Barber, Benjamin Jay</b>		
	Total Financial Assessment		1,096.00
	Total Payments and Credits		9.00
	<b>Balance Due as of 04/26/2017</b>		<b>1,087.00</b>
11/22/2016	Transaction Assessment		9.00
11/22/2016	Counter Payment	Receipt # 2016-2804637	(9.00)
12/01/2016	Transaction Assessment	Barber, Benjamin Jay	100.00
12/01/2016	Transaction Assessment		100.00
12/01/2016	Transaction Assessment		100.00
12/01/2016	Transaction Assessment		100.00
12/01/2016	Transaction Assessment		487.00
01/05/2017	Transaction Assessment		200.00

Exhibit 2

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Decl. of Jesse B. Davis